



Telecom Decision CRTC 2012-202

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Ottawa, 3 April 2012

Association des centres d'urgence du Québec and Agence municipale de financement et de développement des centres d'urgence 9-1-1 du Québec – Application to review and vary Telecom Decision 2011-619

File number: 8662-A113-201114504

In this decision, the Commission denies the application by the Association des centres d'urgence du Québec and the Agence municipale de financement et de développement des centres d'urgence 9-1-1 du Québec to review and vary Telecom Decision 2011-619, in which the Commission concluded that the requirements for telephone service providers to notify customers and obtain their express consent, set out in Telecom Decisions 2005-21 and 2005-61, relate only to limitations that are specific to the 9-1-1 service and therefore do not apply to fixed/native VoIP services.

Introduction

1. The Commission received an application by the Association des centres d'urgence du Québec and the Agence municipale de financement et de développement des centres d'urgence 9-1-1 du Québec (collectively, the Coalition), dated 28 October 2011, in which the Coalition requested that the Commission review and vary Telecom Decision 2011-619.
2. In Telecom Decision 2011-619, the Commission determined that the requirements for telephone service providers to notify their customers of the limitations of the 9-1-1 service and to obtain customers' express consent that they understand those limitations, set out in Telecom Decisions 2005-21 and 2005-61 (referred to hereafter as "the requirements"), apply only to limitations that are specific to the 9-1-1 service and therefore do not apply to fixed/native voice over Internet Protocol (VoIP) services. In this application, the Coalition requested that all VoIP service providers be required to notify their customers of the limitations of their services, particularly regarding the 9-1-1 service.
3. The Commission received comments from Bell Aliant Regional Communications, Limited Partnership and Bell Canada; from Bragg Communications Inc., operating as EastLink, Cogeco Cable Inc., Rogers Communications Inc., Quebecor Media Inc., on behalf of its affiliate Videotron G.P.; and from TELUS Communications Company (collectively, the major providers of fixed local VoIP services). The public record of this proceeding, which closed on 30 November 2011, is available on the Commission's website at www.crtc.gc.ca, under "Public Proceedings" or by using the file number provided above.

Should the Commission vary Telecom Decision 2011-619?

4. The Coalition submitted that local VoIP service providers should be required to clearly notify their customers of the potentially serious limitations of their telephone services and the consequences thereof regarding 9-1-1 service access. These limitations may be associated with, for example, power supply, hardware and software updates, and the modification, movement, or poor maintenance of equipment by the subscriber.
5. The Coalition indicated that the same situation applies to wireless service providers, which are required to provide their subscribers with an initial notice, followed by periodic notices of the availability, characteristics, and limitations of their 9-1-1 services. It added that the Commission has acknowledged that 9-1-1 service provided through fixed/native VoIP services has serious limitations by approving tariffs that mention these limitations.
6. The major providers of fixed local VoIP services indicated that the Coalition's application should be denied because it does not meet the criteria for reviewing and varying a decision.¹
7. The major providers of fixed local VoIP services submitted that 9-1-1 calls via fixed/native VoIP services are routed the same way as 9-1-1 calls made via traditional wireline telephone services and have no limitations specific to the latter. They added that the limitations mentioned by the Coalition are specific to fixed/native VoIP services, not to the 9-1-1 service as such. The requirements do not apply to the limitations of fixed/native VoIP services – only to those of the 9-1-1 service.
8. The major providers of fixed local VoIP services also indicated that the determinations made in Telecom Decision 2011-619 do not prevent local VoIP service providers from notifying their customers of the possible limitations related to 9-1-1 service access, and that the majority of them do so.

Commission's analysis and determinations

9. The Commission considers that, in the Coalition's application, it does not provide any new facts or different arguments from those submitted during the process that led to Telecom Decision 2011-619 that would justify a change in the Commission's determinations.

¹ According to the Revised guidelines for review and vary applications (Telecom Information Bulletin 2011-214), applicants must demonstrate to the Commission that there is substantial doubt as to the correctness of the original decision, for example due to

- i) an error in law or in fact;
- ii) a fundamental change in circumstances or facts since the decision;
- iii) a failure to consider a basic principle which had been raised in the original proceeding; or
- iv) a new principle which has arisen as a result of the decision.

10. The Commission notes that Telecom Decision 2011-619 did not eliminate the various requirements stated in Telecom Decisions 2005-21 and 2005-61. Rather, the decision clarified that the requirements for telephone service providers to notify their customers of the limitations of the 9-1-1 service and to obtain customers' express consent that they understand those limitations apply only to limitations that are specific to the 9-1-1 service. The Commission also notes that, in accordance with Telecom Decision 2005-21, fixed/native local VoIP service providers are required to provide the same enhanced 9-1-1 service as that offered by traditional wireline telephone service providers in the exchange.
11. As the Commission considered in Telecom Decision 2011-619, it considers that the limitations brought up by the Coalition in this application are all associated with fixed/native local VoIP services, not with the 9-1-1 service as such. The Commission notes that these limitations are equivalent, for traditional wireline telephone services, to a power outage for cordless phone users, or a rupture of the physical line. The Commission also notes that other types of telephone services (i.e. wireless, mobile VoIP, or fixed/non-native VoIP) have characteristics and limitations inherent to their technology, which differ from those of wireline telephone services or fixed/native VoIP services. The Commission considers that the limitations of these other types of telephone services directly affect the 9-1-1 service, which justifies a separate notification requirement for providers of these services.
12. The Commission also considers that by approving tariffs that mention 9-1-1 service limitations, it is not contradicting the determinations it made in Telecom Decision 2011-619. The fact that the Commission does not require providers to notify their customers does not prevent them from highlighting the circumstances under which the 9-1-1 service could be inaccessible.
13. In light of the above, the Commission finds that the Coalition has not demonstrated that there is substantial doubt as to the correctness of the Commission's determinations in Telecom Decision 2011-619. Accordingly, the Commission **denies** the Coalition's application.
14. The Commission notes that several fixed/native local VoIP service providers currently notify their customers of the limitations specific to their services that may disrupt 9-1-1 service access. The Commission encourages all telephone service providers, both traditional wireline service providers and providers of other types of services, to notify their customers of the circumstances under which their services, including the 9-1-1 service, may not be available.

Secretary General

Related documents

- *Bell Aliant Regional Communications, Limited Partnership – Application regarding notification and express consent requirements for 9-1-1 services and their applicability to fixed/native VoIP services*, Telecom Decision CRTC 2011-619, 26 September 2011
- *Revised guidelines for review and vary applications*, Telecom Information Bulletin CRTC 2011-214, 25 March 2011
- *Follow-up to Emergency service obligations for local VoIP service providers, Decision 2005-21 – Customer notification requirements*, Telecom Decision CRTC 2005-61, 20 October 2005
- *Emergency service obligations for local VoIP service providers*, Telecom Decision CRTC 2005-21, 4 April 2005